# PATENT COOPERATION TREATY

	From the INTERNATIONAL BUREAU
ľ	

## **PCT**

## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

To:

Commissioner **US Department of Commerce** United States Patent and Trademark Office, PCT 2011 South Clark Place Room CP2/5C24 Arlington, VA 22202

**ETATS-UNIS D'AMERIQUE** Date of mailing (day/month/year) in its capacity as elected Office 22 January 2002 (22.01.02)

Applicant's or agent's file reference International application No. 1585-0002 PCT/US01/16696 Priority date (day/month/year) International filing date (day/month/year) 31 May 2000 (31.05.00) 23 May 2001 (23.05.01) **Applicant** BRYDEN, Wayne, A. et al

X in the demand filed with the International Preliminary Examining Authority on:
13 December 2001 (13.12.01)
in a notice effecting later election filed with the International Bureau on:
The election X was
was not
made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland

Authorized officer

R. Forax

Telephone No.: (41-22) 338.83.38

Facsimile No.: (41-22) 740.14.35

# (19) World Intellectual Property Organization



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## (43) International Publication Date 6 December 2001 (06.12.2001)

International Bureau

## **PCT**

# (10) International Publication Number WO 01/092872 A3

(51) International Patent Classification7: C12Q 1/02, 1/04

(21) International Application Number: PCT/US01/16696

(22) International Filing Date: 23 May 2001 (23.05.2001)

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data: 60/207,964 31 May 2000 (31.05.2000) US

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(72) Inventors; and

(75) Inventors/Applicants (for US only): BRYDEN, Wayne, A. [US/US]; 4652 Pinto Court, Ellicott City, MD 21043 (US). LALEKOS, Marisa, A. [US/US]; 18402 Oxfordshire Terrace, Olney, MD 20832 (US). MORGAN, John, S. [US/US]; 9541 Chaton Road, Laurel, MD 20723 (US).

(74) Agents: COOCH, Francis, A. et al.; The Johns Hopkins University, Applied Physics Laboratory, 11100 Johns Hopkins Road, Laurel, MD 20723-6099 (US).

(81) Designated States (national): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZW.

(84) Designated States (regional): ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE, TR), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).

#### Published:

with international search report

(88) Date of publication of the international search report: 30 January 2003

For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.



92872 A3

(54) Title: METHODS FOR USING MASS SPECTROMETRY TO IDENTIFY AND CLASSIFY FILAMENTOUS FUNGI, YEASTS, MOLDS AND POLLEN

(57) Abstract: A method for the identification and classification of filamentous fungi, yeasts, molds, toxins produced by fungi, and pollen in air environmental and biological samples using genus, species and strain specific biomarkers is provided. The biomarkers can be generated using mass spectrometers and particularly by matrix assisted laser desorption ionization time-of-flight mass spectrometry (MALDI-TOF-MS) analyses of filamentous fungi, yeasts, molds, toxins produced by fungi, and pollen.

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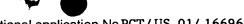
POT

# INTERNATIONAL PRELIMINARY EXAMINATION OF PORT

(PCT Article 36 and Rule 70)

pplicant's or agent's file reference	FOR FURTHER ACTION See Pre	Notification of Transmittal of International liminary Examination Report (Form PCT/IPEA/416)
1585-0002	International filing date (day/month	year)   Priority date (day month year)
nternational application No.	23/05/2001	31/05/2000
PCT/US 01/ 16696 nternational Patent Classification (IPC) or		
iternational Patent Classification (11 C) of	G01N33/00	
policant	d01035/ 00	
pplicant THE JOHNS HOPKINS UNIVERS	STTY et al.	
Authority and is transmitted to the	applicate according	this International Preliminary Examining
2. This REPORT consists of a total	of 2 sheets, including this	cover sheet.
This report is also accompan		e description, claims and/or drawings which have aining rectifications made before this Authority
These annexes consists of a total of	sheets.	
3. This report contains indications re		
[X] Basis of the report		
Priority		
III $\overline{X}$ Non-establishment of $\alpha$	opinion with regard to novelty, inven	tive step and industrial applicability
IV Lack of unity of inven	tion	the importive step or industrial applicability;
V X Reasoned statement un citations and explanati	nder Article 35(2) with regard to nov ons supporting such statement	elty, inventive step or industrial applicability;
VI Certain documents cite		
<u></u>	international application	•
VIII Certain observations	on the international application	
		• .
<b>1</b>		
Date of submission of the demand	Date of	completion of this report
12/12/2001		27/05/2002
13/12/2001		27/05/2002  ized officer  NAN J  49-89) 2399 2828
Name and mailing address of the IPEA/		ized officer
Furopean Patent Office	RKEN	NAN J
D-80298 Munich Tel. (+49-89) 2399-0, Tx: 52	23656 epmu d Tel. (+	49-89) 2399 2828
Fax: (+ 49-89) 2399-4465		ASINE - STIFFE





## I. Basis of the report

The basis of this international preliminary examination is the application as originally filed.

# III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The question of whether the claimed invention appears to be novel, to involve an inventive step, or to be industrially applicable has not been the subject of the international preliminary examination in respect of the claims which have not been searched (Article 17(2)(a) or (3) and Rule 66.1(e) PCT); see also international search report).

# V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability

To the extent that the international preliminary examination has been carried out (see item III above), the following is pointed out:

In light of the documents cited in the international search report, it is considered that the invention as defined in at least some of the claims, which have been the subject of an international search report, does not appear to meet the criteria mentioned in Article 33(1) PCT, i.e. does not appear to be novel and/or to involve an inventive step (see international search report, in particular the documents cited X and/or Y and corresponding claim references).

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# INTERNATIONAL SEARCH REPORT TECH CENTER 1600/2900

(PCT Article 18 and Rules 43 and 44)

	No. 10 Property of the Control of th	& Transmitted of International Course Depart
Applicant's or agent's file reference	FOR FURTHER see Notification of (Form PCT/ISA/2	of Transmittal of International Search Report 20) as well as, where applicable, item 5 below.
1585-0002	International filing date (day/month/year)	(Earliest) Priority Date (day/month/year)
International application No.	international filing date (day/monitoyear)	
PCT/US 01/16696 23/05/2001 31/05/2000		
Applicant		
THE JOHNS HOPKINS UNIVERS	ITY et al.	
This International Search Report has been according to Article 18. A copy is being tra	n prepared by this International Searching Aut ansmitted to the International Bureau.	nority and is transmitted to the applicant
This International Search Report consists	of a total of 6sheets.	
	a copy of each prior art document cited in this	report.
Basis of the report		
With regard to the language, the language in which it was filed, unl	international search was carried out on the ba ess otherwise indicated under this item.	sis of the international application in the
the international search w Authority (Rule 23.1(b)).	ras carried out on the basis of a translation of t	he international application furnished to this
i e	d/or amino acid sequence disclosed in the in esequence listing:	nternational application, the international search
	onal application in written form.	
filed together with the inte	ernational application in computer readable for	m.
furnished subsequently to	this Authority in written form.	
furnished subsequently to	this Authority in computer readble form.	
	osequently furnished written sequence listing ones is the contract of the cont	loes not go beyond the disclosure in the
the statement that the info furnished	ormation recorded in computer readable form i	s identical to the written sequence listing has been
2. X Certain claims were fou	nd unsearchable (See Box I).	
3. Unity of invention is lac	king (see Box II).	
4. With regard to the title,		
the text is approved as su	• , •	
the text has been establis	shed by this Authority to read as follows:	
5. With regard to the abstract,		
TX the text is approved as su	ibmitted by the applicant	
the text has been establis		ity as it appears in Box III. The applicant may, port, submit comments to this Authority.
6. The figure of the <b>drawings</b> to be pub		<u> </u>
as suggested by the appl		X None of the figures.
because the applicant fai		-
	r characterizes the invention.	

International Application No. PCT/US 01 1/16696

#### FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 206

Continuation of Box 3.

Claims Nos.: 22-25

Present claims 22-25 relate to a biomarker library defined by reference to a desirable characteristic or property, namely comprising genus, species or strain specific biomarkers for known bioorganic compounds generated by the methods of claim 1 or 6.

The claims cover all biomarker libraries having this characteristic or property, whereas the application provides support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT for no such biomarker library. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Consequently, the search has not been carried out for those claims.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

#### ex to Form PCT/ISA/206 TION RELATING TO THE RESULTS COMMUN OF THE PARTIAL INTERNATIONAL SEARCH

- 1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:
- 1-21 2. This communication is not the international search report which will be established according to Article 18 and Rule 43.
- 3.If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.
- 4.If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
х	WELHAM K J ET AL: "Matrix-assisted laser-desorption/ionization time-of-flight mass spectrometry and its application to the analysis of fungal spores." PHARMACY AND PHARMACOLOGY COMMUNICATIONS, vol. 6, no. 3, March 2000 (2000-03), pages 107-111, XP001052985 ISSN: 1460-8081 the whole document	1-21
X	WELHAM K J ET AL: "Characterization of fungal spores by laser desorption/ionization time-of-flight mass spectrometry." RAPID COMMUNICATIONS IN MASS SPECTROMETRY., vol. 14, no. 5, 29 February 2000 (2000-02-29), pages 307-310, XP001052924 ISSN: 0951-4198 the whole document ————————————————————————————————————	1-21

Special categories of cited documents:

"A" document defining the general state of theart which is not considered to be of particular relevance

earlier document but published on or after theinternational filing date

document which may throw doubts on priority chim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

document referring to an oral disclosure, use, exhibition or

document published prior to the internationalfiling date but later than the priority date claimed

- later document published after theinternational filing date or priority date and not in conflict with theapplication but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered govel or cannot be considered to involve an inventive step when the document is taken alone

document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more othersuch docu-ments, such combination being obvious to a person skilled in the art.

\*&\* document member of the same patent family

# COMMUNICATION RELATING TO THE RESULTS OF THE PARTIAL INTERNATIONAL SEARCH



	OF THE PARTIAL INTERNATIONAL SEARCH	PCT/US 01/16696
C.(Continua	ation) DOCUMENTS CONSIDERED TO BE RELEVANT	
Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P,X	LI TZU-YING ET AL: "Characterization of Aspergillus spores by matrix-assisted laser desorption/ionization time-of-flight mass spectrometry." RAPID COMMUNICATIONS IN MASS SPECTROMETRY, vol. 14, no. 24, 23 November 2000 (2000-11-23), pages 2393-2400, XP001052923 ISSN: 0951-4198 the whole document	1-20
т	AMIRI-ELIASI B ET AL: "Characterization of protein biomarkers desorbed by MALDI from whole fungal cells."  ANALYTICAL CHEMISTRY, (2001 NOV 1) 73 (21) 5228-31.,  - November 2001 (2001-11) XP002187835 the whole document	

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## **INTERNATIONAL SEARCH REPORT**

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(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference	FOR FURTHER see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.		
International application No.	International filing date (day/month/year)	(Earliest) Priority Date (day/month/year)	
PCT/US 01/16696	23/05/2001 31/05/2000		
Applicant THE JOHNS HOPKINS UNIVERSI	ITY et al.		
according to Article 18. A copy is being tra  This International Search Report consists			
language in which it was filed, unle	international search was carried out on the bas ess otherwise indicated under this item.		
the international search was Authority (Rule 23.1(b)).	ras carried out on the basis of a translation of the	he international application furnished to this	
b. With regard to any nucleotide and was carried out on the basis of the contained in the internation filed together with the internation furnished subsequently to the statement that the subsinternational application as the statement that the informational furnished  2. X Certain claims were four Unity of invention is lack  4. With regard to the title,	e sequence listing: onal application in written form. ornational application in computer readable form of this Authority in written form. of this Authority in computer readble form. osequently furnished written sequence listing distilled has been furnished. ormation recorded in computer readable form is ond unsearchable (See Box I). king (see Box II).		
within one month from the  6. The figure of the <b>drawings</b> to be published.	hed, according to Rule 38.2(b), by this Authorited to the control of this international search repaished with the abstract is Figure No.	port, submit comments to this Authority.	
as suggested by the applic		X None of the figures.	
because the applicant faile			
because this figure better	characterizes the invention.		

International application No. PCT/US 01/16696

# INTERNATIONAL SEARCH REPORT

Box I	Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)
This Inte	ernational Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:
1.	Claims Nos.: because they relate to subject matter not required to be searched by this Authority, namely:
2. X	Claims Nos.:  22-25 because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  see FURTHER INFORMATION sheet PCT/ISA/210
з. [	Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).
Box II	Observations where unity of invention is lacking (Continuation of item 2 of first sheet)
This Inte	ernational Searching Authority found multiple inventions in this international application, as follows:
	see additional sheet
1. X	As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2.	As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3.	As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4.	No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:
Remari	The additional search fees were accompanied by the applicant's protest.     X   No protest accompanied the payment of additional search fees.

#### FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. Claims: 1-21 partially

A method for generating biomarkers specific for a known genus, species, or strain of bioorganic compound selected from the group consisting of filamentous fungi, yeasts, molds, toxins of fungi.

2. Claims: 1-21 partially

A method for generating biomarkers specific for a known genus, species, or strain of pollen.

#### FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Claims Nos.: 22-25

Present claims 22-25 relate to a biomarker library defined by reference to a desirable characteristic or property, namely comprising genus, species or strain specific biomarkers for known bioorganic compounds generated by the methods of claim 1 or 6.

The claims cover all biomarker libraries having this characteristic or property, whereas the application provides support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT for no such biomarker library. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Consequently, the search has not been carried out for those claims.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

## INTERNATIONAL SEARCH REPORT

International Application No PCT/US 01/16696

A. CLASSII IPC 7	A. CLASSIFICATION OF SUBJECT MATTER IPC 7 C12Q1/02 C12Q1/04		
	o International Patent Classification (IPC) or to both national classifi	cation and IPC	
	SEARCHED currentation searched (classification system followed by classification system followed by classifi	tion symbols)	
IPC 7		, .	
Documentat	lion searched other than minimum documentation to the extent that	such documents are included in the fields se	earched
Electronic d	ata base consulted during the international search (name of data b	ase and, where practical, search terms used	1)
WPI Da	ta, BIOSIS, MEDLINE, CHEM ABS Data,	EMBASE, SCISEARCH, EPO	-Internal
C. DOCUM	ENTS CONSIDERED TO BE RELEVANT		
Category °	Citation of document, with indication, where appropriate, of the r	elevant passages	Relevant to claim No.
X	WELHAM K J ET AL: "Matrix-assis laser-desorption/ionization time mass spectrometry and its applic the analysis of fungal spores." PHARMACY AND PHARMACOLOGY COMMUN vol. 6, no. 3, March 2000 (2000-107-111, XP001052985 ISSN: 1460-8081 the whole document ——	e-of-flight cation to NICATIONS,	1-21
X Furt	ther documents are listed in the continuation of box C.	Patent family members are listed	I in annex.
° Special ca	ategories of cited documents:	"T" later document published after the inte	
	ent defining the general state of the art which is not dered to be of particular relevance	or priority date and not in conflict with cited to understand the principle or th	
*E* earlier document but published on or after the international		invention "X" document of particular relevance; the	claimed invention
*L* document which may throw doubts on priority claim(s) or invol		cannot be considered novel or cannot involve an inventive step when the de	ocument is taken alone
citatio	which is cited to establish the publication date of another citation or other special reason (as specified)  "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such document is		
other	nent referring to an oral disclosure, use, exhibition or means	ments, such combination being obvious in the art.	ous to a person skilled
	ent published prior to the international filing date but han the priority date claimed	*&* document member of the same patent	t family
Date of the	actual completion of the international search	Date of mailing of the international se	earch report
2	24 June 2002	2 3. 07. 2002	
Name and	mailing address of the ISA	Authorized officer	
	European Patent Office, P.B. 5818 Patentlaan 2 NL – 2280 HV Rijswijk		
	Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Niemann, F	

## INTERNATIONAL SEARCH REPORT

International Application No
PCT/US 01/16696

	FC1/03 01/10090
Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
WELHAM K J ET AL: "Characterization of fungal spores by laser desorption/ionization time-of-flight mass spectrometry." RAPID COMMUNICATIONS IN MASS SPECTROMETRY., vol. 14, no. 5, 29 February 2000 (2000-02-29), pages 307-310, XP001052924 ISSN: 0951-4198 the whole document	1-21
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DELUCA S J ET AL: "Pyrolysis-mass spectrometry methodology applied to southeast Asian environmental samples for differentiating digested and undigested pollens."  ANALYTICAL CHEMISTRY. UNITED STATES OCT 1986, vol. 58, no. 12, October 1986 (1986-10), pages 2439-2442, XP002203274 ISSN: 0003-2700 the whole document	
AMIRI-ELIASI B ET AL: "Characterization of protein biomarkers desorbed by MALDI from whole fungal cells." ANALYTICAL CHEMISTRY, (2001 NOV 1) 73 (21) 5228-31.,  - November 2001 (2001-11) XP002187835 the whole document	
	fungal spores by laser desorption/ionization time-of-flight mass spectrometry." RAPID COMMUNICATIONS IN MASS SPECTROMETRY., vol. 14, no. 5, 29 February 2000 (2000-02-29), pages 307-310, XP001052924 ISSN: 0951-4198 the whole document  LI TZU-YING ET AL: "Characterization of Aspergillus spores by matrix-assisted laser desorption/ionization time-of-flight mass spectrometry." RAPID COMMUNICATIONS IN MASS SPECTROMETRY, vol. 14, no. 24, 23 November 2000 (2000-11-23), pages 2393-2400, XP001052923 ISSN: 0951-4198 the whole document  DELUCA S J ET AL: "Pyrolysis-mass spectrometry methodology applied to southeast Asian environmental samples for differentiating digested and undigested pollens." ANALYTICAL CHEMISTRY. UNITED STATES OCT 1986, vol. 58, no. 12, October 1986 (1986-10), pages 2439-2442, XP002203274 ISSN: 0003-2700 the whole document  AMIRI-ELIASI B ET AL: "Characterization of protein biomarkers desorbed by MALDI from whole fungal cells." ANALYTICAL CHEMISTRY, (2001 NOV 1) 73 (21) 5228-31.,  - November 2001 (2001-11) XP002187835